THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16754 OF 2000

ORAL ORDER:

This writ petition is filed by the Andhra Pradesh State Road Transport Corporation (for short, "the Corporation") seeking a declaration that the demand notice dated 19.8.2000 for a sum of Rs.24,88,485/- issued by the 1st respondent/Mandal Revenue Officer, Narsapur, under the provisions of the A.P. Revenue Recovery Act, 1864, as arbitrary and illegal.

The facts, in brief, are as under:

Pursuant to the request made by the Corporation for alienation of Ac.1.13 cents of land situated in Sy.Nos.155/8B, 155/21A, 40/13 and 40/12B situated at Madhavaipalem, Narsapur Mandal, along with the structures raised thereon for the purpose of extension of Bus Station at Narsapur, the Collector, West Godavari District, Eluru, vide letter dated 27.4.1992 submitted proposals to the Government for alienation of the said land on payment of Rs.100/- per sq. yard, which works out to Rs.5,46,920/-. However, the Government vide G.O.Ms.No.1223 dated 6.12.1994 fixed the value of the land at Rs.350/- per sq. yard apart from compensation of Rs.6.86 lakhs payable to Narsapur Municipality for the existing structures on the land. Having found the said valuation excessive, the Corporation addressed letters to the Government to reduce the price and fix the market value at Rs.100/- per sq. yard. While the matter stood thus, the District Collector vide proceedings dated 13.7.1995 directed to give advance possession of Ac.1.13 cents of land and the structures thereon to the petitioner-Corporation, pending reconsideration of land value so as to enable the Corporation to start construction work of extension of Bus Station.

Pursuant thereto, possession of Ac.1.13 cents of land was handed over to the Corporation on 7.2.1996. It is not in dispute that the

Corporation paid a sum of Rs.6,31,750/- to the Municipal Commissioner, Narsapur Municipality on 15.7.1996 towards the value of structures.

However, since the land value as fixed in G.O.Ms.No.1223 dated 6.12.1994 has not been paid, the 3rd respondent, by letter dated 11.6.1998, directed necessary action for recovery of the amount and, accordingly, the Mandal Revenue Officer issued Distraint Notice dated 19.8.2000 invoking the provisions of the A.P. Revenue Recovery Act, 1864 (for short, "the Act") demanding a sum of Rs.24,88,485/- towards the land value and interest thereon.

The said action is challenged in this writ petition contending *inter alia* that the provisions of the Act cannot be invoked without issuing prior notice to the petitioners. It is also contended that since the request of the petitioner-Corporation for fixing the value of the land in question at Rs.100/- per sq. yard, instead of Rs.350/- is still under consideration, the respondents ought not to have issued the impugned proceedings.

In the counter-affidavit field by the Mandal Revenue Officer, Narsapur, it is stated that under G.O.Ms.No.1223 dated 6.12.1994, the land value was fixed at Rs.350/- on the basis of the report of the Revenue Divisional Officer, Narsapur, and the same is binding on the petitioners.

I have heard the learned counsel for both the parties and perused the material on record.

It is not in dispute that the land alienated in favour of the Corporation is the Government land. Having accepted the request of the Corporation to alienate the said land for the purpose of extension of Bus Station, G.O.Ms.No.1223 dated 6.12.1994 was issued fixing the land value at Rs.350/- per sq. yard as per Basic Value Register. Admittedly, the Corporation has never challenged G.O.Ms.No.1223 dated 6.12.1994 on any ground whatsoever. The contention of the Corporation that the land value shall be Rs.100/- per sq. yard appears

to be on the basis of the recommendation made by the Mandal Revenue Officer, Narsapur, dated 14.3.1991, in which he expressed that as per the registration statistics gathered by him the market value at the relevant point of time was Rs.100/- per sq. yard. However, nothing has been placed before this Court to show that the said rate was accepted by the Government at any point of time. As a matter of fact, the Revenue Divisional Officer, Narsapur, while submitting his proposals to the District Collector vide letter dated 6.8.1991 observed that the value proposed by Mandal Revenue Officer appears to be low and that the basic value of the lands, which is a built up area is much higher. After due consideration, the Government issued G.O.Ms.No.1223 dated 6.12.1994 fixing the land value at Rs.350/- per sq. yard on the basis of the Basic Value Register. Since the Corporation failed to pay the said amount, the impugned notice was rightly issued invoking the provisions of the A.P. Revenue Recovery Act, which cannot be held to be either arbitrary or illegal.

Accordingly, the writ petition, which is devoid of any merit, is hereby dismissed. No costs.

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13.11.2007.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.16754 OF 2000

13th November, 2007.

Between:

The Depot Manager, APSRTC,
Narsapur, West Godavari District and another. .. Petitioners.

And

The Mandal Revenue Officer, Narsapur,
West Godavari District and others. .. Respondents.